

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>ILLINOIS DISTRICT COUNCIL NO. 1 OF THE INTERNATIONAL UNION OF BRICKLAYERS AND ALLIED CRAFTWORKERS, AFL-CIO,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No. 08 C 1787</b>
	)	
<b>v.</b>	)	<b>Judge David H. Coar</b>
	)	
<b>BRICKCRAFT, INC.,</b>	)	<b>Magistrate Judge Brown</b>
	)	
<b>Defendant.</b>	)	

**PLAINTIFF’S MOTION FOR DEFAULT  
JUDGMENT AND ENTRY OF FINAL ORDER**

Plaintiff Illinois District Council No. 1 of the International Union of Bricklayers and Allied Craftworkers, AFL-CIO (“Union”), through its attorneys Dowd, Bloch & Bennett, respectfully moves this Court pursuant to Federal Rule of Civil Procedure 55(b)(2) for entry of default judgment and a final order, in the form attached or otherwise, against Defendant Brickcraft, Inc. (“Brickcraft”). In support of this motion, the Union respectfully submits:

1. This action is a claim under § 301 of the Labor-Management Relations Act, 29 U.S.C. § 185, to enforce a labor contract.
2. The complaint seeks an order requiring Brickcraft to produce a bond in the amount of \$15,000.00, or to provide a payment of \$15,000.00 to the Union to serve as a cash bond, to assure payment of wages, fringe benefit fund contributions, dues, and other obligations that exist pursuant to the collective bargaining agreement between the Union and Brickcraft; to reimburse the Union’s attorneys’ fees and costs in accord with the provisions of the labor contract; and to cease work within the geographic and craft jurisdiction of the Union regardless of the name or business form under

which Brickcraft performs such work until it furnishes the bond and pays the attorneys' fees and costs.

3. The form of the bond that is to be furnished was attached as Exhibit A to the complaint.

4. As set forth in the return of service form filed with the Clerk of Court on April 10, 2008, a copy of which is attached as Exhibit 1, the complaint and summons were served on Brickcraft on April 2, 2008.

5. Brickcraft has not filed an appearance, an answer, or any other responsive pleading.

6. Even if Brickcraft had entered an appearance and answered the complaint, it would not have had any meritorious defense to the allegations in the complaint, as the labor agreement clearly sets forth Brickcraft's obligation to post a bond, which it has failed to do.

7. The Union's attorneys, at the time of this motion's filing, have devoted a total of four hours to this matter. This motion is accompanied by an affidavit from one of the Union's lawyers describing that work. (Jados Aff., ¶ 4)

8. The Union also seeks reimbursement for an additional two hours of legal work, which its lawyer believes is the minimum amount of work he will be required to perform after preparing and filing this motion. (Jados Aff., ¶ 5)

9. As set forth in the attached affidavit, the Union's lawyers charge the Union \$215.00 an hour for Mr. Barry M. Bennett's time and \$190.00 for the time of Ms. Michele Reynolds and Mr. Steven W. Jados. (Jados Aff., ¶ 6)

10. The Union incurred expenses of \$490.00 in this matter, consisting of a \$350.00 filing fee, \$65.00 for service of process, and \$75.00 in e-filing costs. (Jados Aff., ¶ 8)

11. The total requested reimbursement therefore is \$1,646.25, comprising \$1,156.25 for

attorneys' fees and \$490.00 for costs.

12. The Union notes that the obligation to provide a bond is stated in the labor contract and the basis for the fees and costs for which reimbursement is sought is presented in detail in the attached affidavit. As a result, the Union respectfully submits that all the information needed to justify the entry of a final order is presented here, and that no useful purpose would be served by requiring a prove-up hearing or further proceeding.

WHEREFORE, the Union respectfully asks that judgment be entered in its favor in the form provided in the attached order or otherwise.

Respectfully submitted,

s/Steven W. Jados  
Steven W. Jados  
Attorney for  
Illinois District Council No. 1 of  
the International Union of Bricklayers  
and Allied Craftworkers, AFL-CIO

Barry M. Bennett  
Michele M. Reynolds  
Lakisha M. Kinsey-Sallis  
Steven W. Jados  
DOWD, BLOCH & BENNETT  
8 South Michigan Avenue, 19<sup>th</sup> Floor  
Chicago, IL 60603  
(312) 372-1361

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

08 C 1787

ILLINOIS DISTRICT COUNCIL NO. 1 OF  
THE INTERNATIONAL UNION OF  
BRICKLAYERS AND ALLIED  
CRAFTWORKERS, AFL-CIO,

Plaintiff,

v.

BRICKCRAFT, INC.,

Defendant.

Docket Number: \_\_\_\_\_

Assigned Judge: \_\_\_\_\_ **JUDGE COAR**  
**MAGISTRATE JUDGE BROWN**

Designated  
Magistrate Judge: \_\_\_\_\_

TO: (Name and address of defendant)

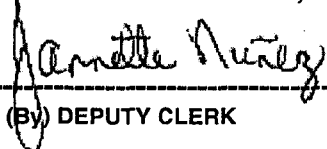
Brickcraft, Inc.  
c/o Anthony Spendoria, Reg. Agent  
329 Chatelaine Ct.  
Willowbrook, IL 60527

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Michele M. Reynolds  
Dowd, Bloch & Bennett  
8 South Michigan Avenue, 19<sup>th</sup> Floor  
Chicago, IL 60603

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

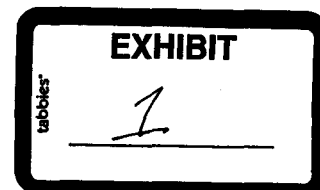
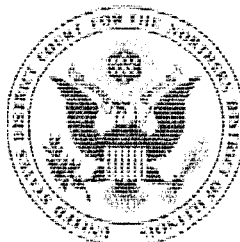
Michael W. Dobbins, Clerk

  
\_\_\_\_\_  
(By) DEPUTY CLERK

\_\_\_\_\_  
Date

\_\_\_\_\_  
March 27, 2008

\_\_\_\_\_  
Date



**RETURN OF SERVICE**

Service of the Summons and Complaint was made by me.

DATE:

NAME OF SERVER (PRINT)

TITLE

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served: \_\_\_\_\_☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted: \_\_\_\_\_☐ Other (specify): \_\_\_\_\_**STATEMENT OF SERVICES FEES**

TRAVEL

SERVICES

TOTAL

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_

Date

Signature of Server

 \_\_\_\_\_  
 Address of Server  
 \_\_\_\_\_

**In the United States District Court**

**For the Northern District of Illinois, Eastern Division**

CASE NAME.: Illinois District Council No. 1 of the International Union of Bricklayers and Allied Craftworkers, AFL-CIO vs. Brickcraft, Inc.

CASE NUMBER: 08 C 1787

**AFFIDAVIT OF PROCESS SERVER**

I, **John St. John**, being duly sworn on oath, deposes and states as follows:

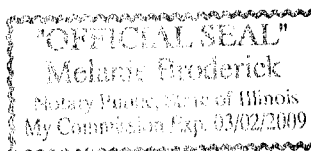
1. I am an agent of Elite Process Service & Investigations, Inc. with its principal place of business located in Plainfield, Illinois 60585. I am authorized to effectuate service of process in the State of Illinois.
2. Elite Process Service & Investigations, Inc. is licensed to do business within the State of Illinois by the Illinois Department of Professional Regulations with an Illinois License No. of 117-001199.
3. I am a citizen of the United States of America and an adult over the age of eighteen (18) and not a party to the within case.
4. I was contracted to serve process in the above captioned case.
5. I personally served the within **Summons in a Civil Case and Complaint** in the above captioned matter on **Brickcraft, Inc. c/o its Registered Agent Anthony Spendoria** at his/her usual place of abode located at **329 Chatelaine Court , Willowbrook, IL 60527** on **04/02/2008** at **12:50 PM**.  
Description: Sex: Male – Age: 65 – Skin: White – Hair: Gray – Height: 5.10 – Weight: 190  
Comments: Wearing glasses.
6. The facts and matters set forth above are based upon my personal knowledge and if called to testify herein, I could do so competently.

FURTHER AFFIANT SAYETH NOT.

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

x \_\_\_\_\_  
John St. John

\_\_\_\_\_  
Notary Public



**AFFIDAVIT OF STEVEN W. JADOS**

COUNTY OF COOK            )  
                                      ) SS  
STATE OF ILLINOIS        )

I, Steven W. Jados, of full age, being duly sworn on my oath, depose and say as follows:

1. This affidavit is based on my personal knowledge and, if necessary, I could testify to the facts contained in this affidavit.

2. I am an attorney admitted to the general bar of this Court and the bar of the State of Illinois. I have practiced labor, employment, and employee benefits law since 2006.

3. I am currently associated with the firm Dowd, Bloch & Bennett, and in connection with this position I practice exclusively in the areas of labor, employment, and employee benefits law. I represent Plaintiff Illinois District Council No. 1 of the International Union of Bricklayers and Allied Craftworkers, AFL-CIO (“Union”) in this and other actions brought under the provisions of ERISA and the Labor Management Relations Act. Mr. Barry M. Bennett, a partner in the firm, has been practicing in the areas of labor, employment, and employee benefits law since 1980. Ms. Michele M. Reynolds, an associate with the firm, has been practicing in the areas of labor, employment, and employee benefits law since 1996.

4. As of the filing of this motion, attorneys for the firm have spent a total of four hours on this case conferring with the client, reviewing documents, preparing and reviewing the complaint and related documents, arranging for service on Brickcraft, Inc. (“Brickcraft”), preparing letters to Brickcraft and to the Union, and preparing and reviewing this affidavit and the related motion, notice, proposed order, and other material.

5. I anticipate that after completing this affidavit and filing the motion, I will devote at least

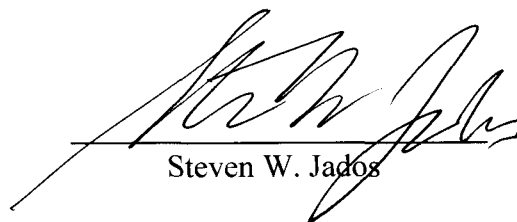
two additional hours to the case in preparing for and attending the hearing on the motion, examining any order or orders that may be entered, and informing the Union and Brickcraft of the results; and we therefore seek recovery on behalf of the Union of the charge which will be made for two hours of my time beyond the hours described in ¶4.

6. Our firm charges the Union a rate of \$215.00 an hour for the work of Mr. Bennett and \$190.00 an hour for my work and that of Ms. Reynolds. I believe these hourly rates are within the range of what is normal and reasonable for lawyers in this area with these levels of ability and experience.

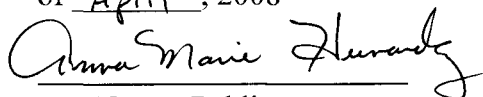
7. Based on the hours that have been expended and that I anticipate will be expended, the Union will have incurred attorneys' fees in the total amount of \$1,156.25.

8. In addition to the fees, the Union seeks reimbursement for the \$350.00 filing fee, \$65.00 service of process fees, and \$75.00 in e-filing charges based on our firm's standard charge of \$25.00 per filing. These costs totaling \$490.00 were incurred and have been charged to the Union.

I have read the foregoing affidavit and swear that it is true and correct to the best of my knowledge, information, and belief.

  
Steven W. Jados

Sworn to and subscribed  
before me this 29<sup>th</sup> day  
of April, 2008

  
Notary Public





**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>ILLINOIS DISTRICT COUNCIL NO. 1 OF THE INTERNATIONAL UNION OF BRICKLAYERS AND ALLIED CRAFTWORKERS, AFL-CIO,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No. 08 C 1787</b>
	)	
<b>v.</b>	)	<b>Judge David H. Coar</b>
	)	
<b>BRICKCRAFT, INC.,</b>	)	<b>Magistrate Judge Brown</b>
	)	
<b>Defendant.</b>	)	

**PROPOSED ORDER**

This matter came before the Court on a Motion for Default Judgment and Entry of Final Order filed on behalf of Plaintiff Illinois District Council No. 1 of the International Union of Bricklayers and Allied Craftworkers, AFL-CIO (“Union”). The Court has examined Plaintiff’s submissions and is fully informed, and it appears good cause exists for granting Plaintiff’s motion.

Therefore, IT IS ORDERED as follows:

1. The Union’s motion for default judgment and entry of final order against Brickcraft, Inc., is granted;
2. Brickcraft, Inc., is ordered to obtain and furnish to the Union a surety bond for \$15,000.00 in the form provided as Exhibit A to the complaint, or in the alternative, to pay \$15,000.00 to the Union to serve as a cash bond;
3. Brickcraft, Inc., is ordered to pay to the Union the sum of \$1,646.25, comprising \$1,156.25 for attorneys’ fees and \$490.00 for costs;
4. Brickcraft, Inc., is ordered to cease all work within the geographic and craft jurisdiction

of the Union, regardless of the name or business form under which Brickcraft, Inc., operates, until it furnishes the bond and reimburses the above attorneys' fees and costs; and

5. The Court retains jurisdiction of this case to resolve any disputes concerning compliance.

SO ORDERED:

---

Judge David H. Coar

Dated: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I certify that I will serve the Notice of Motion, Motion for Default Judgment and Entry of Final Order, Proposed Order, Affidavit, and Exhibit by having copies mailed to the address indicated on April 29, 2008.

Brickcraft, Inc.  
c/o Anthony Spendoria, Registered Agent  
329 Chatelaine Court  
Willowbrook, IL 60527

s/Steven W. Jados

Steven W. Jados